Revealing Just What Our Government Means By The "Defense" of Formosa, Page 2

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The War Party Is On The Defensive, But There Is Still No Peace Party

Stevenson's Speech: Helpful Here, Silly in Bandung

From the vantage point of Washington, Adlai Stevenson's speech made a contribution to peace. It is true, as the *Washington Post* said, that "he ought to have made it two months ago," before the Democrats gave Eisenhower a blank check for preventive war in the Formosa straits. But the situation here is so bad that Stevenson's belated effort to put the offshore islands in a more sober perspective must be welcomed. It helps to put the war party on the defensive. It supports the logic of the Morse-Lehman resolution for the evacuation of Quemoy and Matsu. It paves the way for disengagement.

Two observations may indicate the political realities against which the Stevenson speech must be judged. Though the Morse-Lehman resolution is a concurrent one, no one has yet volunteered to introduce the bill in the House. The Democratic leadership there dealt so harshly with those Democrats who objected to the Formosan war powers resolution in January that none of them has had the nerve to come forward now. In the Senate, Stevenson's old running mate, Sparkman of Alabama, only a few days before his speech, gave the Associated Press an interview (April 8) agreeing that Eisenhower should make a preventive strike against the Chinese mainland if the military buildup there continues "beyond a stage where their power is apparent and the threat real."

A Different Kind of Blank Check

When Sparkman still talks preventive war, and no one can be found to introduce the Morse-Lehman resolution in the House, we are still a long way from having a peace party in this country. The Democrats would rather make an issue of Army cuts than of Quemoy and Matsu. If there is to be further "appeasement" in the Far East, they would rather let Eisenhower do it and then criticize him for it afterward. In this sense the Stevenson speech did give the President greater freedom of action. Where Congress gave Ike a blank check for war, Stevenson has signed a draft offering bipartisan support for the abandonment of Quemoy and Matsu. At home, this is how the Stevenson speech must be measured.

But from the standpoint of the conference now opening at Bandung in Indonesia, the speech will seem pathetic, almost ludicrous. Bandung is an historic turning point. The colored and colonial powers are meeting there with a sense of common destiny, grievances and purpose. Color is more important at Bandung than capitalism or communism, and two non-white powers emerge at that conference as great Powers. India and China will within a generation be the equals of the two great white powers, the U.S. and the U.S.S.R., neither present at Bandung. In the eyes of Bandung, the Stevenson speech, with its fatuous nonsense about our "moral" right to be in Formosa, will merely demonstrate how far the U.S. has drifted into an unreal world. There is not a power at Bandung which does not naturally see Formosa as China's, and our threats and pretensions as the last gasp of Western colonialism in Asia. This is the truth to which we must soon be rudely awakened.

It should be disturbing to every thoughtful American that our country has become so blinded by hatred, self-righteousness and atomic bluster that political necessities prevent even so enlightened a man as Stevenson from speaking—not indeed as frankly as any Asian—but even as frankly as any West European would of Formosa. We are definitely in someone else's territory, interfering in another nation's internal affairs, supporting a civil war that would long ago have been extinguished because our military men want Formosa, and are prepared to hold it, even at the risk of World War III.

Where Dulles and Adlai Differ

Dulles is prepared to exchange the offshore islands for a Chinese pledge to relinquish Formosa, or for a promise by Britain and France to join in any military action required to hold the island. But Britain and France are not prepared to give any such pledge unless we in turn are prepared for international negotiations which must eventually liquidate the Chiang Kai-shek regime. It is here that Dulles and Stevenson differ. The recent testimony by the Assistant Secretary of State for Far Eastern Affairs, which we reprint on the next page, reveals that we have no intention of giving up Formosa, even if Chiang collapses and we have to use our own troops for naked annexation. When Stevenson spoke of "some final settlement . . . by independence, neutralization, trusteeship, plebiscite, or whatever is wisest" he was not talking the language of Dulles. To Dulles that way lies the "craven surrender" to which he referred in the pyromaniac address he made last Monday to the congenial audience of the Jesuits.

Thus for America Stevenson offers leadership out of a morass of our own making. His speech, and Walter Lippmann's column last Tuesday, add powerfully to the peace forces. But it would be easy to exaggerate their strength. Despair, cowardice and apathy are to be met on every hand in Congress. Morse, to all intents and purposes, stands as alone today as when he was a one-man party. Several dozen Senators are prepared to do something if only there were more signs of support. Really and truly, it all depends on you who read this. Letters and telegrams in support of the Morse-Lehman resolution, even if but from a minority (the war party are a smaller minority), would change the atmosphere here overnight. You can help. Every letter, every voice, will strengthen the peace tendencies against the war party. The fight is far from won, but certainly not foredoomed to defeat. Wire Senator George demanding public hearings on the Morse-Lehman resolution.

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Round This Shaky Globe

His Holiness must be a great disappointment to David Lawrence and Bishop Sheen, not to mention Cardinal Spellman. Lawrence has written several columns recently stigmatizing as a Communist plot the warnings of scientists against the dangers of radiation. But the Pope's Easter message carried the same warning against "an increased radioactivity in the face of a yet unknown margin of biological security." Bishop Sheen's Good Friday message was similarly undercut by the Supreme Pontiff's Easter allocution. The Bishop's column on Good Friday was devoted to proving co-existence impossible; the Pope two days later blessed those who would "arrange treaties which will ensure peace, start a progressive disarmament and thus spare humanity the destruction of a new war." Unlike Cardinal Spellman, the Pope does not believe the road to peace lies through a third world war.

The uproar over the Corsi affair is awakening the Italian-American community to the evils of the security system and leaves John Foster Dulles seriously shaken for the first time in the post of Secretary of State. What is hurting Dulles and Congressman Walter worst, though little of this has appeared in the press, is that the latter was quoted by Mary McGrory in an interview published by the *Washington Star* March 26 as calling Italians "dagoes." Walter insisted this was incorrect but the *Star* claimed that its reporter was accurate. In the Congressional Record of April 4 Walter published a long letter to Congressman Peter W. Rodino, Jr., complaining of the *Star* story and declaring his friendship for the Italian people. In the letter Walter again accused Corsi of belonging to Communist front organizations and quoted a passage from Corsi's testimony against the national origins quota system of the immigration laws. Corsi said this system was "based on the same type of pathological mentality that brought the German people to destruction." Walter said this proved Corsi's unfitness to advise the Secretary of State on immigration matters. This may yet cost the Republicans New York State and Dulles his job. Stassen would be an improvement in that post, giving Eisenhower a Secretary of State who took his cues from the President instead of Ike's party rival, Knowland.

Last Tuesday's Chicago Tribune (April 12) carried a long Washington dispatch, "Leftists Find Ex-Sen. Cain Is Their Darling" which speculates that the maverick Subversive Activities Control Board member is planning to run for the Senate again in 1956 from his home State of Washington where "there are tens of thousands of defense workers . . . and a feature of Cain's present campaign is his insistence that security precautions in defense plants are outmoded, cumbersome and inefficient . . . Politicians noted that Cain's attacks on this phase of the federal security system have vote-getting possibilities." This is the first time since 1947 that vote-getting possibilities were scented on the liberal-left side of the fence. The *Tribune* said Cain's recent speeches have aroused wrath in the Justice Department but that there had been "no official word of criticism" against him. The secret may lie in the report, which the *Weekly* gets from reliable quarters, that Cain boldly offered his resignation at the White House before he made his first speech this year criticizing the security program and the Attorney General's list. It was not accepted.

The FBI Before the House Appropriations Committee: As the number of Communists go down, the cost of watching them goes up. The FBI spent almost $83,000,000 in fiscal 1954, expects to spend almost $91,000,000 in fiscal 1956 . . . It now has 107,344,805 "non-criminal" fingerprints on file . . . J. Edgar Hoover testified that no membership cards have been issued by the Communist Party since 1948, a good point for lawyers to remember when clients are accused of being "card-carrying" . . . As of the first of the year, the FBI claims there were 22,663 Communist party members

What Admiral Carney Said

From the notes of Peter Edson, Scripps-Howard Washington columnist, one of the 20 Washington correspondents at that private "off the record" war-over-Matsu-by-April 15 you-can-use-it-but-don't-quote-me dinner given by Admiral Carney, Chief of Naval Operations, as printed April 8 in the Washington Daily News:

"If attack is launched [on Matsu], it will be difficult to restrain Chiang . . . Chiang will want to attack Communist air fields. Chinese Communists can retaliate [against Formosa]. That's a key factor for the U. S. This would involve Formosa itself . . .

"If decision is made for the U. S. to participate, should not be a local, tactical battle . . . We must wreck his war potential. This involves all-out war. We know targets to destroy their potential now. We'd have to mobilize. It would take a U. S. buildup in area and at home . . .

"We have no reason to think our allies will help us in the Far East. We must not kid around. If we use atomic weapons there will be propaganda by Nehru. But success is important in the Orient. Are we to be influenced by our allies or by success?"

Revealing Just What Our Government Means by The "Defense" of Formosa

Mr. [Frederic R.] COUDERT [R., N.Y.] What would be the [State] Department's position if over the next 2, 3, 4 or 5 years the Chiang government should fall and be replaced [on Formosa] by a government deriving its inspiration from the Peiping regime?

Mr. [Assistant Secretary of State for Far Eastern Affairs] ROBERTSON. We would consider that to be a hostile government. I think one of the problems with which we are faced now is, entirely outside of other considerations, maintaining the morale of the Chinese who are on Formosa . . . if something should happen to the morale of that army and the people there, and to their will to fight the Communists, we might well be forced—let me put it this way, if that army should fold, and if Formosa is necessary to our security, and our military advisers say it is, it would tremendously expand and complicate the problem of how we could hold it.

Would we be willing to put American troops in there to hold it against Communist assault?

I cannot answer that question. I say the question of maintaining the morale of the Government on Formosa is we think to our selfish interest, leaving outside the Republic of China altogether.

Mr. COUDERT. As far as you have gone, Mr. Robertson, in your observations to this point, there doesn't seem to be much hope of establishing really peaceful relations in the Far East unless the Peiping government is prepared to acquiesce in the permanent loss of Formosa. Is that correct?

Mr. ROBERTSON. I think as long as Formosa is considered necessary to the security of the United States, I assume it will be the policy of this government to defend it.

. . . . .

Mr. COUDERT. One last question on the subject. Apart from the Japanese dominion since the end of the war of 1895, Formosa has substantially been Chinese throughout the period of recorded history, has it not?

Mr. ROBERTSON. You mean up until 1895?

Mr. COUDERT. Yes.

Mr. ROBERTSON. Yes, so far as I know.

—Hearings on the 1956 State Department budget, House Appropriations Committee, pages 130-31, just released.

Last Week's Anti-War Issue Was Advertised in the Sunday New York Times, April 10, Page 6, Section 4

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in the U. S. . . . The FBI must have an underground turnstile to get that exact a count . . . Hoover said only one agent was needed "for proper coverage of a Nazi" but ten are required for every Communist . . . Watch out for young married couples who appear to be "mild liberals" . . . Hoover testified that the Communists recruit "young married couples" who are then "sent into different areas to enter industry and assume the role of mild liberals . . . They infiltrate the labor organizations . . . they are available to be active agents in time of national emergency." Why "mild liberals"? Why not "mild reactionaries"? The result of this bogeyman nonsense is to make "mild liberals" as well as radicals suspect, and to lay the groundwork for hysteria in the event of war. . . .

Rarely has the Supreme Court been so clearly invited to reverse itself as in the 3-man appeals bench decision upholding the new immunity statute in the test case of William Ludwig Ullmann. All three judges voiced misgivings, but declared themselves bound by precedents only the Supreme Court could change. The main opinion, by Judge Jerome Frank, was a single paragraph, followed by a footnote ten times as long, a tail obviously intended to wag the dog. The footnote was a lengthy quotation from the defense brief arguing that the "immunity" offered by the statute was of little value since those who were forced to admit radical views or associations faced a wide variety of non-penal sanctions.

Judge Frank said he was not prepared to assert that this argument "lacks all merit. But our possible views on the subject," he added, "have no significance. For an inferior court like ours may not modify a Supreme Court doctrine. . . ." The English courts in the Nineteenth century held that the privilege was against self-degradation as well as self-incrimination. But the Supreme Court in the 1890's decided by one vote (the 5-4 decision of *Brown v. Walker*, 161 U.S. 591) that the privilege relates solely to testimony which might lead to defendant's prosecution for a crime.

District Judge Clarence G. Galston, sitting on the three man bench, said "If this matter were one of first impression I could easily reach the conclusion that the immunity statute in question is in effect a circuitous attempt to circumvent the Constitution by a short-cut legislative statute amending the Fifth Amendment." Chief Judge Charles E. Clark, concurring, cited three recent books on the Fifth amendment, by Dean Erwin N. Griswold of Harvard Law School, Telford Taylor and Alan Barth on the need for a more realistic interpretation of the privilege.

"I concur, but regretfully," Judge Clark wrote. "For the steady and now precipitate erosion of the Fifth amendment seems to me to have gone far beyond anything within the conception of those justices of the Supreme Court who by the narrowest of margins first gave support to the trend in the 1890's. And serious commentators have found this new statute peculiarly disturbing in policy and in law. *Griswold, The Fifth Amendment Today 80-81* (1955); *Taylor, Grand Inquest 217-221, 296-300* (1955); *Barth, Government by Investigation, 130-134* (1955). . . . Realistically viewed there is much in the defendant's contention that at the end of the road is a charge of perjury supported by the oath of a renegade or paid informer. Convictions so obtained and punishment thus decreed cannot satisfy either the needs or the ideology of a democratic country committed to respect and toleration for dissident minorities."

Three years after the McCarran committee began its smear campaign against the United Nations, a belated victory has been won on behalf of its employes and the world organization itself in the acquittal of Mary Jane Keeney of contempt by Federal Judge Henry A. Schweinhaut here in Washington. Mrs. Keeney was asked by the McCarran committee whether anyone in the State Department had helped her obtain employment in the UN. She refused to answer on the ground that prior instructions by UN officials, its staff regulations and its Charter debarred her from answering. She was found guilty by a jury after Judge Alexander Holtzoff ruled as a matter of law that she was "not entitled to assert any privilege under the rules and regulations of the UN." But the Court of Appeals (Danaher, Edgerton and Prettyman) reversed and sent the case back for a new trial. A jury was waived and this time, in the light of the principles expressed by the higher court, Judge Schweinhaut found her not guilty. But the victory came too late to save the staff of the UN from a purge in which Mrs. Keeney, too, lost her job. It is also too late to reconstruct the UN backbone broken when Trygve Lie knuckled under to the Senatorial witch hunters.

Our hat is off this week to Anita Willcox, who declined to be intimidated when the New York *Herald-Tribune* "exposed" her last Monday for furnishing $10,000 bail for Harvey Matusow. "I believe," Mrs. Willcox told that paper, "that however much he may deserve jail for the wrongs he has done, he should not be jailed for trying to right those wrongs." Nor should people be smeared for helping others to enjoy their constitutional right to bail until cleared or convicted.

You Just Can't Expect Those Informers To Be Impeccable

". . . if you are just going to have to get somebody of absolutely impeccable and unassailable character, it is going to have a terrific impact on our prosecutions."

—Assistant Attorney General William F. Tompkins, head of the Internal Security Division, explaining the Matusow case to the House Appropriations Committee. 1956 budget hearings, p. 309.

"The day he [Matusow] announced he had lied, I instructed Assistant Attorney General W. F. Tompkins to make a thorough investigation. They served a subpoena on Matusow."

—Attorney General Brownell, to the same committee, p. 13.

Mr. ROONEY. When you talk of using Matusow last June, did you have occasion to go into his neurological record while with the armed services?

Mr. TOMPKINS. I don't think we had a record of that at the time, Mr. Chairman. Since that time I have seen—

Mr. ROONEY. Since what time?

Mr. TOMPKINS. Since this Matusow controversy started, I might say. A copy of a letter reportedly sent to the former U. S. Attorney in New York, Myles Lane, which pointed out that psychoneurosis to Mr. Lane . . . I received a copy of it from the FBI.

Mr. ROONEY. When?

Mr. TOMPKINS. Under date of February 23, 1955. I then asked Mr. Lumbard about it yesterday [February 28, 1955] and he told me that the U. S. Attorney's office had received the letter in January 1952 . . .

Mr. ROONEY. Are we to understand that all during this time the matter of the question of his mental equilibrium has never been brought to the attention of the Attorney General's office . . .

Mr. TOMPKINS. As far as we know, sir, that is true . . . The diagnosis . . . is psychoneurosis of a mild but acute form . . . his brother had been killed in action as a crew member of a B-17 . . . I am going to be very frank with you, with that information, I would have used the witness . . . that medical description wouldn't have any impact as far as I am concerned, from reading it, on his credibility . . .

—Same hearing, pages 294-5.

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Big Business Sets Out to Gut The Anti-Trust Laws

By A Business Observer

The Federal Antitrust laws—those frail barriers against the growth of monopoly and the smothering of free enterprise—have been dealt a new blow. It comes in the form of a report to the Attorney General from the committee of 60 experts he appointed 19 months ago to study the laws and is so well disguised it has been hailed in some places as a pat on the head. ("Reaffirms the basic tenets" . . . . "an important milestone.")

Most of the daily press gave little heed to the dissents. For some committee members, headed by Prof. Louis B. Schwartz of the U. of Pa., said it would be harder and more expensive than ever to fight monopolies if the majority's recommendations are adopted. The report's proposal for a law to stop unions from exercising "commercial restraints" brought a protest from Prof. Walter Adams, Michigan State. The vagueness of the proposal, he said, "might be construed—erroneously perhaps—as prohibiting some union activities generally regarded as normal and necessary." He joined Dr. Schwartz in saying the recommendations will weaken the laws.

This is distressing news. The three key laws—The Sherman Act of 1890, the Clayton and Federal Trade Commission Acts of 1914—have had no more than a mild braking action on the growth of big business. The laws that followed were attempts to patch loopholes in the basic statutes or, as in the case of the fair trade laws, to exempt questionable business practices.

A Wave of Mergers

Despite the laws the number of companies producing America's goods continues to shrink. Rep. Emanuel Celler, in one of the few Congressional criticisms of the report, pointed out that since 1950 over 3,000 mergers took place—more than at any other time in our history, and that government agencies have instituted "a grand total of five prosecutions to stem this wave of corporate mergers."

Dr. Schwartz's main objection to the report is the fond glance it casts in the direction of a "rule of reason" approach to antitrust enforcement. Yet that is the approach FTC, under the chairmanship of Edward F. Howrey, has adopted more and more openly since 1953. It is the approach, of course, sanctioned by the courts in early interpretations of the Sherman Act, when they ruled it outlawed only "unreasonable" restraints of trade. A big reason for passing the Clayton Act was to get around the "rule of reason," to prohibit certain business practices outright and make them "per se" violations. The history of antitrust enforcement supports Dr. Schwartz's argument that the "rule of reason" introduces uncertainties into antitrust enforcement and makes it more difficult.

Yet Howrey has chosen to ignore the hard-won experience of his agency's staff. In doing so he lines up abreast of one of the co-chairmen of the Antitrust Committee, Prof. S. Chesterfield Oppenheim of the University of Michigan. Oppenheim is widely regarded as the draftsman of Republican antitrust policy. It is apropos, therefore, to note that Howrey delivered his first major policy speech at Michigan and has one of Oppenheim's former student-collaborators as his legal advisor. Howrey, however, does not quote Oppenheim in support of his innovations. He quotes Woodrow Wilson, the man who launched FTC in 1914 as a bold experiment in bringing order and strength into the enforcement of the antitrust laws. Severely limited from the start, underbudgeted, understaffed, it has dwindled in power and influence ever since. It would be the final irony if it expired as an antitrust agency under the leadership of a man who uses its founder's own words to justify his acts. Now that the antitrust report is out (Howrey, incidentally, was a member of the Committee) it is being hailed within the Commission as further vindication of the chairman's more reasonable attitude toward antitrust enforcement. That underscores the real importance of the report—as a touchstone for assaying the changing attitude toward antitrust legislation.

Milestone or Millstone?

But this aspect of the study has been largely ignored by the daily papers. They have given the biggest play to the Committee's recommendation that fair trade laws be repealed. As a concession to the public that is not unimportant. But it seems rather insignificant measured against recommendations that can help intensify business control of this country.

The report will not escape Congressional scrutiny. Celler, as head of the House Judiciary Committee, is ready to investigate it. So is Sen. Sparkman, head of the Senate Small Business Committee. And so is Wright Patman, whose House Small Business Committee has already begun hearings.

Perhaps, as the *Washington Post* says, the antitrust report is a milestone, but like many milestones in Washington these days, it seems to mark how small a distance the Eisenhower Administration has advanced from the views fashionable at the start of this century.

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